

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**JAMES E. CLARK and
LAKEISHA CLARK**

Plaintiffs,

v.

**G4S GOVERNMENT SOLUTIONS, INC.
d/b/a WSI OAK RIDGE,**

Defendants.

§
§
§
§
§
§
§
§
§
§
§

**No. 3:12-cv-72
Phillips/Shirley**

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Defendant G4S Government Solutions, Inc. d/b/a WSI Oak Ridge (“WSI Oak Ridge” or “Defendant”), hereby moves the Court to grant summary judgment in its favor with respect to all claims that James E. Clark (“Capt. Clark”) and LaKeisha Clark (“Sgt. Clark” or collectively “Plaintiffs”) have asserted against Defendant. Defendant asserts there are no genuine issues of material fact as to any of Plaintiffs’ claims and that Defendant is entitled to judgment thereon as a matter of law.

Defendant’s grounds for seeking summary judgment are: (1) the undisputed material evidence fails to establish the basis for Plaintiffs’ claims; (2) Capt. Clark failed to exhaust administrative remedies on his claims for race discrimination in training and retaliation in the denial of job assignments; (3) Capt. Clark cannot establish a *prima facie* case of race based discrimination or retaliation in his termination and cannot establish that WSI Oak Ridge’s articulated reasons are pretextual; (4) Sgt. Clark cannot establish a *prima facie* case of race or gender discrimination in her termination and cannot establish that WSI Oak Ridge’s articulated reasons for her termination are pretextual; (5) Plaintiffs’ Tennessee Human Rights Act

(“THRA”) claims are time barred by Tenn. Code Ann. § 4-21-311 and, in any event, should be dismissed for the same reasons that their Title VII of the Civil Rights Act of 1964 (“Title VII”) claims are dismissed; and (6) any state “common law” claims are barred by the applicable statute of limitations.

In support of its Motion, WSI-Oak Ridge relies upon its contemporaneously submitted Brief and all matters of record along with the filed Appendix containing the declarations (with exhibits) of Brenda Curtis, Priscilla Kingry, Gary Brandon and relevant portions of and exhibits to the depositions of James Clark, LaKeisha Clark, Gary Brandon, Mary Patterson, and Jennifer Seiber.

Accordingly, Defendant moves that summary judgment be granted and that all claims of Plaintiffs be dismissed.

Respectfully submitted this 2nd day of October 2013.

s/Edward G. Phillips

Edward G. Phillips (BPR # 006147)

William J. Carver (BPR # 022718)

Kramer Rayson LLP

Post Office Box 629

Knoxville, TN 37901-0629

(865) 525-5134

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 2013, a copy of the foregoing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. A true and correct copy of the foregoing was mailed to Plaintiffs, postage prepaid and properly addressed to:

Mr. James E. Clark
134 Center Park Lane
Oak Ridge, Tennessee 37830

LaKeisha Willis-Clark
201 Moury Avenue, Apt. 703
Atlanta, Georgia 30315

s/Edward G. Phillips

Edward G. Phillips (BPR # 006147)

William J. Carver (BPR # 022718)

Kramer Rayson LLP

Post Office Box 629

Knoxville, TN 37901-0629

(865) 525-5134

Attorneys for Defendant